

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
BENSON EVERETT LEGG
Chief Judge

101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0723

December 4, 2009

MEMORANDUM TO COUNSEL RE: City of Salisbury v. O'Brien & Gere Engineers, Inc..
Civil No. L-09-2950

Dear Counsel:

The Court is in receipt of your letter dated December 2, 2009. Having reviewed that letter, the Court takes the following actions. First, counsel's proposed discovery deadlines are approved. Second, trial is scheduled for September 12-23, 2011. Third, Counts III and IV of Plaintiff's complaint are dismissed without prejudice. That dismissal, however, is subject to the following conditions: (i) the applicable statutes of limitation will be tolled as of the day the suit was filed, (ii) the fraud and negligence counts will be subject to full discovery, as if they remained in the complaint, and (iii) if Plaintiff wishes to add Count III and/or IV back into the complaint, it will simply move for leave to amend the complaint.

Despite the informal nature of this ruling, it shall constitute an Order of the Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

Benson Everett Legg

c: Court file